

**2017 Nationwide Permits  
Regional Conditions  
Omaha District  
State of Nebraska**

1. **Wetlands Classified as Peatlands – Preconstruction Notification Requirement.** For all NWP, permittees shall notify the Nebraska Regulatory Office in accordance with General Condition No. 32 (PCN) prior to initiating any regulated activity in peatlands found. Peatlands are permanently or seasonally saturated and inundated wetlands where conditions inhibit organic matter decomposition and allow for the accumulation of peat.
2. **Waters Adjacent to Natural Springs – PCN Requirement.** For all NWP, permittees shall notify the Nebraska Regulatory Office in accordance with General Condition No. 32 (PCN) prior to initiating any regulated activity located within 100 feet of the water source in natural spring areas.

For the purpose of this condition, a spring water source is defined as any location where there is flow emanating from a distinct point at any time during the growing season. Springs do not include seeps and other groundwater discharge areas where there is no distinct point source of waters. Springs do not include drain tile outlets.

3. **Rainwater Basin Wetlands – PCN Requirement.** For all NWP, permittees shall notify the Nebraska Regulatory Office in accordance with General Condition No. 32 (PCN) prior to initiating any regulated activity in any traditional Rainwater Basin wetlands found in the 21 county Rainwater Basin area of south central Nebraska. The following link provides a map showing the general location of the Rainwater Basin geographic area: [http://www.fws.gov/refuge/rainwater\\_basin\\_wmd/](http://www.fws.gov/refuge/rainwater_basin_wmd/).
4. **Eastern Saline Wetlands, Salt Creek and its tributaries, including Rock Creek and its tributaries, in Saunders or Lancaster Counties – PCN Requirement.**
  - a. For all NWP, permittees shall notify the Nebraska Regulatory Office in accordance with General Condition No. 32 (PCN) prior to initiating any regulated activity within any Eastern Saline wetlands, Salt Creek, and its tributaries, including Rock Creek and its tributaries, found in Saunders or Lancaster Counties. The map located at the end of this document shows the Salt Creek Tiger Beetle recovery areas and projects in these areas will receive additional analysis.
  - b. All mitigation involving Eastern Saline wetlands shall be conducted pursuant to the Eastern Saline Mitigation Guidelines. The Guidelines can be found at:  
<http://www.nwo.usace.army.mil/Missions/Regulatory-Program/Nebraska/Mitigation/>
5. **Riffle and Pool Complexes—PCN Requirement.** For all NWP, permittees shall notify the Corps in accordance with General Condition No. 32 (PCN) prior to initiating any regulated activity involving the discharge of dredge or fill material into riffle and pool complexes.

Riffle and pool complexes are defined as “Steep gradient sections of streams are sometimes characterized by riffle and pool complexes. Such stream sections are recognizable by their hydraulic characteristics. The rapid movement of water over a coarse substrate in riffles results in a rough flow, a turbulent surface, and high dissolved oxygen levels in the water. Pools are deeper areas associated with riffles. Pools are characterized by a slower stream velocity, a steaming flow, a smooth surface, and a finer substrate. Riffle and pool complexes are particularly valuable habitat for fish and wildlife.”

6. **Missouri River, North Platte River, South Platte River, Platte River, Loup River, Elkhorn River, Republican River and all jurisdictional Class A State Resource Waters – PCN Requirement.** For all NWP, permittees shall notify the Nebraska Regulatory Office in accordance with General Condition No. 32 (PCN) prior to initiating any regulated activity located on the above named rivers and waters. A list of Class A State Resource Waters can be found at: <http://nlcs1.nlc.state.ne.us/epubs/E6500/R015.0117-2006.pdf>
7. **Taylor Creek (and tributaries), Big and Brush Creeks (and tributaries), and Union Creek (and tributaries) – PCN Requirement.** For all NWP, permittees shall notify the Nebraska Regulatory Office in accordance with General Condition No. 32 (PCN) prior to initiating any regulated activity located on Taylor Creek and its associated tributaries in Madison County, Big and Brush Creeks and their associated tributaries in Cherry County and the segment of Union Creek and its associated tributaries in Madison and Stanton Counties located in the area that is bounded by Nebraska Highway 121 to the west, Nebraska Highway 57 to the east, the Platte County line to the south and 833rd Road (main east-west road between Village of Enola and Village of Stanton, Nebraska) to the north.
8. **Wild and Scenic Rivers, National River Inventory Rivers – PCN Requirement.** For all NWP, permittees shall notify the Nebraska Regulatory Office in accordance with General Condition No. 32 (PCN) prior to initiating any regulated activity located on the Niobrara National Scenic River, the Missouri National Recreational River, or any National River Inventory river.

The following link provides a map showing the location of the Niobrara National Scenic River:

<https://www.nps.gov/niob/planyourvisit/maps.htm>

The following link provides a map showing the location of the Missouri National Recreational River:

<https://www.nps.gov/mnrr/planyourvisit/maps.htm>

The following link provides a map showing the location of the Nebraska Rivers listed on the National River Inventory list: <https://www.nps.gov/nrcr/programs/rtca/nri/states/ne.html>

9. **Revegetation of Disturbed Areas – All NWPs.**
  - a. All areas adjacent (contiguous, bordering, neighboring) to jurisdictional waters disturbed by construction shall be revegetated with appropriate perennial, native grasses and forbs and maintained in this condition. In accordance with Executive Order 13112, the use of invasive species and non-native species is not appropriate for revegetation of disturbed areas. A cover crop may be planted to aid in the establishment of native vegetation. The disturbed areas shall be reseeded concurrently with the project or immediately upon completion. Revegetation shall be acceptable when ground cover of appropriate perennial, native grasses and forbs reaches 75%. If this seeding cannot be accomplished by September 15 in the year of project completion, then an erosion blanket shall be placed on the disturbed areas. The erosion blanket shall remain in place until ground cover of appropriate perennial, native grasses and forbs reaches 75%. If the seeding can be accomplished by September 15, all seeded areas shall be properly mulched to prevent erosion.
  - b. When the vegetation has become established, all temporary erosion control materials shall be removed from the project site. Biodegradable or photodegradable materials need not be removed.
10. **Temporary Structures/Work/Fill**
  - a. **All NWPs**
    - i. The use of dredged material in the construction of temporary structures or used for

temporary work or used as temporary fill shall not be allowed. The term “dredged material” is defined as material that is excavated or dredged from waters of the U.S. All temporary fill material shall be obtained from an upland source.

- ii. Upon completion of the construction activity, all temporary fill material shall be removed in its entirety from the water of the U.S. to an upland area and the affected area shall be restored to its pre-construction condition. Wetlands disturbed by temporary construction shall be seeded with appropriate native hydrophytic species.
- iii. General Condition No. 13 (Removal of Temporary Fills) is amended by adding the following: When temporary fills are placed in wetlands, a horizontal marker (i.e. fabric, certified weed-free straw, a ground survey with minimum accuracy of 0.10-foot, etc.) must be used to demarcate the existing ground elevation of wetlands that will be temporarily filled during construction, in order to restore the wetlands to pre-project conditions.

**b. NWP with a PCN Requirement**

In addition to the above Regional Conditions in “a”, the following apply to NWPs with a PCN requirements.

- i. A proposal for the temporary structure/work/fill, if not already provided, shall be submitted 14 days prior to construction and authorized/verified by the Nebraska Regulatory Office prior to the commencement of construction.
- ii. The Nebraska Regulatory Office shall be notified with documentation (i.e. photos) when the site has been restored to its pre-project condition.

**11. Stream Channelization Projects – All NWPs.** Stream channelization is defined as “The manipulation of a stream’s course, condition, capacity or location that causes more than minimal interruption of normal stream processes. A channelized stream remains a water of the United States.”

- a. Permittees must notify the Corps in accordance with General Condition No. 32 (PCN) prior to straightening, relocating and/or shortening an existing stream channel. The total channel length reduction for all ephemeral, intermittent or perennial channels must be less than 100 feet. Stream channel length includes the length flowing through culverts or similar structures.
- b. Activities can result in the loss of no more than 300 linear feet of stream bed. Loss of stream bed includes the distance flowing through new culverts or similar structures as a result of the activity.
- c. Buffer strips must be set along both sides of a channelized, relocated, or other new stream channel. Buffers shall be at least 50 feet wide and start at the top of the high bank of the channel. Buffers will be accepted on a 4H:1V slope or flatter and if proposed the 50 foot measurement will start at the OHW. New buffers in disturbed areas shall be revegetated with a mixture of perennial grasses, forbs and trees as appropriate. In accordance with Executive Order 13112, the use of invasive species and non-native species is not appropriate for revegetation of disturbed areas or buffers. An initial cover crop may be planted to aid in the establishment of native vegetation. Buffers established where appropriate native species and slopes are present do not need to be re-graded or replanted.
- d. The Corps may allow a waiver of this condition on a case-by-case basis if the Corps determines the activity will result in only minimal adverse effects. The applicant must request

the waiver in writing and provide documentation and environmentally based reasons to support the waiver request. The Corps will only grant the waiver upon a written determination that the NWP activity will result in minimal adverse effects.

**12. PCN for All Nationwide Activities within Reservation Boundaries**

All NWPs requested by applicants other than the Tribal Authority for use within the reservation boundaries of Indian Country in Nebraska require preconstruction notification to the Omaha District Engineer and coordination with the Tribal Authority. All other terms and conditions of the NWPs and regional conditions apply in Indian Country regardless of the applicant.

**REGIONAL CONDITIONS APPLICABLE TO SPECIFIC NATIONWIDE PERMITS**

**NWP 13 – Bank Stabilization – PCN Requirement.** All permittees shall notify the Nebraska Regulatory Office in accordance with General Condition No. 32 (PCN) prior to initiating any regulated activity under NWP 13.

**NWP 16 – Return Water From Upland Contained Disposal Areas – PCN Requirement.** All permittees shall notify the Nebraska Regulatory Office in accordance with General Condition No. 32 (PCN) prior to initiating any regulated activity under NWP 16.

**NWP 23 - Approved Categorical Exclusions – PCN Requirement.** All permittees shall notify the Nebraska Regulatory Office in accordance with General Condition No. 32 prior to initiating any regulated activity under NWP 23. In addition to information required by General Condition No. 32 (PCN), the applicant must identify the approved categorical exclusion that applies in Regulatory Guidance Letter (RGL) 05-07 or the appropriate Corps RGL and provide documentation that the project fits the categorical exclusion.